REMARKS

In the Final Office Action[1] mailed on September 5, 2007, the Examiner rejected claims 1-21, 23, and 25-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,212,524 to Weissman et al. ("Weisman"), U.S. Patent No. 6,161,103 to Rauer et al. ("Rauer"), and further in view of WO 2000/042553 ("Harmony").

Applicants propose to amend claims 1, 2, 4-7, 14, 17-19, 21, 23-27, 29, 30, 32, 35, 37, 39-41, and 46-49 for further clarity. Applicants submit that the Remarks section of the Reply filed on June 22, 2007 contains a clerical error. As noted by the Examiner, claim 44 was canceled, not claim 24. Office Action at 2. Therefore, claims 1-21, 23-43, and 45-49 remain pending.

Rejection of claims 1-21, 23, and 25-49 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-21, 23, and 25-49 under 35 U.S.C. § 103(a) as being unpatentable over Weisman and Rauer, further in view of Harmony.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant

[1] The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. §2143.01(III) (emphasis in original). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I), (emphasis in original).

Several basic factual inquires must be made in order to determine the obviousness or non-obviousness of claims of a patent application under 35 U.S.C. § 103. These factual inquiries, set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459, 467 (1966), require the Examiner to:

(1) Determine the scope and content of the prior art;

(2) Ascertain the differences between the prior art and the claims in issue;

(3) Resolve the level of ordinary skill in the pertinent art; and

(4) Evaluate evidence of secondary considerations.

The obviousness or non-obviousness of the claimed invention is then evaluated in view of the results of these inquiries. *Graham*, 383 U.S. at 17-18, 148 U.S.P.Q. at 467; *see also KSR Internat'l Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385 (U.S. 2007); *see also* M.P.E.P. § 2141(II).

Here, a *prima facie* case of obviousness has not been established at least because the scope and content of the asserted references do not contemplate clams 1-9, 11, 13, 14, 16-19, 21-34, 36 and 38, as amended.

Independent claim 1, as amended, recites a data warehouse system comprising, among other things:

> a *data warehouse data model* for storing data representing dimensions and measures applicable for *multiple organizations*, the data warehouse data model having *placeholders settable* such that the data warehouse data model represents *a particular organization*.

Weisman, Rauer, and Harmony ("the cited references') taken alone or in any reasonable combination, fail to render obvious at least the claimed data warehouse data model.

The cited references are directed to the generation and population of *data marts* based upon a schema, or instructions as to how the data mart is to be populated from a data warehouse or another source, developed by consultant for a particular business or enterprise. *See*, e.g., Weisman, col. 10, ll. 16-42; Rauer, col. 9, l. 52 - col. 10, l. 10; and Harmony, p. 16, ll. 5-15. The cited references employ standard data mart technology and methodology in which the *data warehouse itself* cannot be configured to represent a particular organization. Instead, a data mart is populated with information from the data warehouse using a schema developed for the particular organization. Specifically, the data mart is populated with information *extracted* from the data warehouse and arranged in a particular fashion, defined by the schema.

The prior art tools are thus dependent upon accessing a predetermined data schema, or a description of how the data mart is to be populated, *specific to one organization*. A distinct schema is required for each data mart to be created. In

contrast, claim 1 requires a data warehouse data mart having "placeholders settable such that the data warehouse model represents a particular organization," as recited by claim 1. As discussed above, the data warehouses discussed in the cited references are not configurable. In particular, they do not provide "placeholders settable such that the data warehouse model represents a particular organization." Instead, information from the data warehouse is *extracted* and arranged in a particular manner, defined by the schema, to populate a data mart. The date warehouse itself is thus not configurable to "represent a particular organization," as required by claim 1.

The cited references thus do not contemplate a "one-size-fits-all", comprehensive data warehouse model that is applicable to any of a plurality of organizations (i.e., a data model comprehensive enough to be applicable to any one of a plurality of organizations). Specifically, the cited references do not contemplate "*a data warehouse* data model for storing data representing dimensions and measures applicable for *multiple organizations*, the data warehouse data model having *placeholders* settable such that the data model represents a *particular organization*," as required by claim 1.

With respect to the Examiner's comments on pages 2-5 of the Office Action, Applicants wish to clarify that multiple organizations likely would not use the same data warehouse system to create and configure their distinct data warehouses. The organizations would instead each use a distinct instance of a data warehouse system already existing on their servers to create and configure a custom data warehouse. It may be possible for an independent data warehouse consultant to use these existing data warehouse systems as tools for creating and configuring distinct data warehouses

for distinct organizations (e.g., unrelated clients of the independent contractor). However, this differs from the disclosed data warehouse model, which can be configured by each of a plurality of organizations to represent a data warehouse for the respective organization.

Applicants understand the Examiner's remarks on page 4 of the Office Action as asserting that Weissman and Rauer disclose a data model for storing data representing dimensions and measures applicable for multiple organizations and having placeholders settable such that the data warehouse data model represents a particular organization. The Examiner relies on Harmony "merely to provide explicit motivation that such data warehousing tools are obvious to use for multiple organizations." Office Action at 4.

Applicants respectfully request reconsideration as to the teachings of the cited references. As discussed above, the cited references disclose extraction, transformation, and loading (ETL) tools for creating *data marts*, not *data warehouses*. A data warehouse is integrated and more comprehensive than the data marts of the cited references. Applicants have amended the claims to recite "*data warehouse* data model" for further clarity in this regard. This is significant as the present disclosure and claims are directed to configuring a *data warehouse*. In addition, as discussed above, extracting information from a data warehouse to populate a data mart based on a schema does not constitute providing a configurable "data warehouse data model having placeholders settable such that the data warehouse data model represents a particular organization."

For at least the foregoing reasons, the scope and content of the cited references, taken alone or in any reasonable combination, does not contemplate "a data warehouse data model for storing data representing dimensions and measures applicable for multiple organizations, the data warehouse data model having placeholders settable such that the data warehouse data model represents a particular organization," as recited in claim 1. The cited prior art thus does not render obvious the data warehouse system of claim 1. Applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Weisman, Rauer, and Harmony.

Independent claims 18, 19, 21, 23, 38-43, 46, 48, and 49, although differing in scope, recite features similar to those discussed above in connection with independent claim 1. Therefore, the cited references fail to render obvious claims 18, 19, 21, 23, 38-43, 46, 48, and 49 for at least the same reasons they fail to render claim 1 obvious. Applicants respectfully request the withdrawal of the rejection of claims 18, 19, 21, 23, 38-43, 46, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Weisman, Rauer, and Harmony.

Claims 2-17, 20, 24-37, 45, and 47 depend from one of independent claims 1, 18, 19, 23, and 46 and thus include all of the features thereof. Therefore, the cited references also fail to render obvious claims 2-17, 20, 24-37, 45, and 47 for at least the same reasons as discussed above in connection with claims 1, 18, 19, 23, and 46. Applicants respectfully request the withdrawal of the rejection of claims 2-17, 20, 24-37,

45, and 47 under 35 U.S.C. § 103(a) as being unpatentable over Weisman, Rauer, and Harmony.

Conclusion

Applicants respectfully request the entry of this amendment under 37 C.F.R. § 1.116, placing the pending claims in a condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. This Amendment should allow for immediate action by the Examiner. In the alternative, the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 13, 2007

By: _____
Erika H. Arner
Reg. No. 57,540